

HOUSE BILL 1131

By Travis

AN ACT to amend Tennessee Code Annotated, Title 69, Chapter 3, Part 1, relative to the application of biosolids and human waste materials generated during the treatment of domestic sewage.

WHEREAS, it is incumbent upon the members of this legislative body to protect our citizens from environmental issues that threaten their health, safety, and quality of life; and

WHEREAS, biosolids and human waste residuals from the treatment of sewage sludge that have been transported to and dispersed or applied to properties in Tennessee counties as fertilizer constitute one such threat; and

WHEREAS, the production of sewage sludge has increased in this country as a result of more stringent wastewater treatment requirements and a growing population, with more than seven million dry metric tons of sewage sludge being produced annually, according to Environmental Protection Agency (EPA) estimates; and

WHEREAS, a previous audit by the EPA Office of Inspector General on biosolids found inadequacies in the EPA's management and enforcement of the biosolids program that have not been resolved, including the fact that no program exists for ensuring compliance with the land application requirements of the Agency's rule on the subject; and

WHEREAS, Tennesseans have raised concerns about the immediate and long-term effects of the application of such biosolids and human waste materials to land in this state, and it is imperative that this body acts to address these important issues; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 3, Part 1, is amended by adding the following as a new section:

(a) For purposes of this section:

(1) "Biosolids" means treated sewage sludge that:

(A) Has contaminant concentrations less than or equal to the contaminant concentrations listed in table 1 of subparagraph (3)(b) of department of environment and conservation rule 0400-40-15-.02;

(B) Meets any one (1) of the ten (10) vector attraction reduction options listed in part (4)(b)1, 2, 3, 4, 5, 6, 7, 8, 9, or 10 of department of environment and conservation rule 0400-40-15-.04; or

(C) Meets either one (1) of the six (6) pathogen reduction alternatives for Class A biosolids listed in part (3)(a)3, 4, 5, 6, 7, or 8, or one (1) of the three (3) pathogen reduction alternatives for Class B biosolids listed in part (3)(b)2, 3, or 4 of department of environment and conservation rule 0400-40-15-.04; and

(2) "Bulk biosolids" means biosolids that are not sold or given away in a bag or other container for application to the land, including, but not limited to, biosolids that are not put in packages, bags, or other containers for sale but are sold, given away, applied to the land, or disposed of in larger quantities.

(b) Notwithstanding this part or any rule to the contrary, a county may ban the application of biosolids and bulk biosolids generated during the treatment of domestic sewage in a wastewater treatment works on all land located within the county.

(c) No resolution authorizing the implementation of a ban pursuant to subsection (b) shall take effect unless it is approved by a majority of the number of qualified voters of the county voting in an election on the question of whether or not to ban the application of biosolids and bulk biosolids.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.